



**NCTA**

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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March 4, 2004

**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On March 3, 2004, Robert Sachs (President and CEO), Jill Luckett (Vice President, Program Network Policy) and Diane Burstein (Deputy General Counsel) met with Commissioner Jonathan Adelstein and his Legal Advisor Johanna Mikes-Shelton.

During that meeting, consistent with our written comments in the above-captioned proceeding, we argued that the Commission has no legal authority to adopt a digital multicast must carry requirement. In addition, NCTA urged the Commission to continue to let the marketplace work to further digital broadcast carriage by cable systems. We also discussed broadcaster claims about needing digital multicast carriage requirements to provide more local programming and argued that broadcasters have failed to present any realistic business models for doing so.

Respectfully submitted,

**/s/ Diane B. Burstein**

Diane B. Burstein

cc: Commissioner Jonathan Adelstein  
Johanna Mikes-Shelton